

### REMARKS

Applicant submits that this Amendment After Final Rejection places this application in condition for allowance by amending claims in manners that are believed to render all pending claims allowable over the cited art and/or at least place this application in better form for appeal. This Amendment is necessary to clarify certain claim limitations, in addition to distinguish over newly cited art, and furthermore was not earlier presented because Applicant believed that the prior response(s) placed this application in condition for allowance, for at least the reasons discussed in those responses. Accordingly, entry of the present Amendment, as an earnest attempt to advance prosecution and/or to reduce the number of issues, is requested under 37 C.F.R. §1.116.

In the event that the Office declines to enter the present Amendment, and (i) any portion of the present Amendment would place some of the claims in better form for appeal if a separate paper were filed containing only such amendments or (ii) any proposed amendment to any claim would render that claim allowable, Applicant respectfully requests that the Office inform Applicant of the same pursuant to MPEP §714.13.

By this amendment, claims 2-6, 9-13, 16-18, 20 and 21 remain canceled. Claims 1, 8, 15 and 19 have been amended. Claims 1, 8, 15 and 19 remain in the application. This application has been carefully considered in connection with the Examiner's Action. Reconsideration, withdrawal of the final action, and allowance of the application, as amended, is respectfully requested.

#### **Rejection under 35 U.S.C. §103**

Claim 1 now more clearly articulates identifying a specific broadcast driven group of peers among multiple groups of peers on a peer-to-peer network within the context of a content broadcast (See, for example, the present specification on page 4, lines 17-18). The method of claim 1 advantageously enables peers to connect and interact via

the P2P network within the context of the broadcast via a CRID that is resolved into a peer group ID and linking within the context of the content broadcast the specific broadcast driven group of peers using the specific CRID which was resolved into the peer group ID. The P2P group thus becomes a "virtual private network that improves the scalability by routing messages *only* through members of that group and not to all peers on the network" (See, for example, the present specification on page 2, lines 22-23).

Claims 1, 8, 15 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. US 2003/0237097 A1 to *Marshall et al.* ("**Marshall**") in view of U.S. Patent No. US 7,552,460 B2 to *Goldman, Phillip Y.*, ("**Goldman**") and further in view of U.S. Patent Publication No. 2003/0120634 A1 to *Koike et al.* ("**Koike**"). With respect to claim 1, Applicant respectfully traverses this rejection on the grounds that the **Marshall**, **Goldman** and **Koike** references are defective in establishing a prima facie case of obviousness.

Independent claim 1, as now presented, more clearly recites, inter alia, "... deriving ... the *specific identifier* of the *specific broadcast driven* group of peers on a peer-to-peer network ... from a *further identifier* ..., the *further identifier* ... comprising a TV-anytime Content Reference Identifier that is resolved into a peer group ID; and linking within a context of the content broadcast the *specific broadcast driven* group of peers using the *specific [identifier]*" (emphasis added). Support for claim 1 (as well as for claims 8, 15 and 19) can be found in the specification at least on page 2, lines 25-28; page 3, lines 3-6, 24-25 and 32-34; page 4, lines 3 and 17-18; and page 5, lines 11-12.

Applicant submits that neither **Marshall**, **Goldman** nor **Koike** discloses at least the aforementioned feature of independent claim 1. In particular, it is submitted that the tertiary citation to **Koike** does not remedy the conceded deficiency in the primary and

secondary citations to **Marshall** and **Goldman**. Accordingly, without conceding the propriety of the asserted combination, the asserted combination of **Marshall**, **Goldman** and **Koike** is likewise deficient, even in view of the knowledge of one of ordinary skill in the art.

The Office Action concedes that **Marshall** and **Goldman** both do not expressly disclose such an identifier [*i.e.*, **CRID**] (clarification added) (Office Action, page 6). In addition, the Office Action concedes that the primary citation to **Marshall** does not expressly disclose such an identifier resolving into a peer group ID (Office Action, page 7). The Office Action further alleges that **Goldman** discloses an EPG with identifiers for its buddy users and content data. (However, it is respectfully submitted that Goldman does not disclose deriving a specific identifier from a further identifier, the further identifier being representative of the content broadcast that is resolved into a peer group ID.) Nonetheless, the Office Action rejects independent claim 1, contending that the tertiary citation to **Koike** provides this necessary disclosure. (Office Action, page 7). As discussed above, claim 1 has been amended for clarification, including, clarification over the newly cited reference **Goldman**. In view thereof and as will be explained further herein below, this contention that **Koike** provides necessary disclosure is respectfully traversed.

**Koike** relates to a data processing system and method in which an *interest vector* is configured using a parameter indicating a *degree of interest* in each category based on *user interest information received by a control server on a peer-to-peer network* (see Koike abstract). The **Koike** reference further discloses that "user interest information is used to efficiently retrieve desired content without adding metadata to the content" and "thereby achieving better content retrieval efficiency on a peer-to-peer (P2P) network" (see Koike at paragraph [0009]). Moreover, **Koike** discloses use of a CRID (see Koike at paragraph [0060]) as an example of a content ID format. However,

in view of **Koike's** use of a CRID as discussed above and in **Koike**, it is unknown how the **Koike's** usage of CRID could be understood to read on "...deriving ... the *specific identifier* of the *specific broadcast driven group of peers* on a peer-to-peer network ... from a *further identifier* ..., the *further identifier* ... comprising a TV-anytime Content Reference Identifier that is resolved into a *peer group ID*; and linking within a context of the content broadcast the *specific broadcast driven group of peers* using the specific one of multiple identifiers ..." as is recited in claim 1. Thus, **Koike** does not provide a disclosure that teaches the aforementioned feature of independent claim 1, nor does **Koike** remedy the aforementioned, conceded deficiency in the primary citation to **Marshall** in view of **Goldman**.

Accordingly, favorable reconsideration and withdrawal of the rejection of independent claim 1 under 35 U.S.C. §103 are respectfully requested. The 35 U.S.C. §103(a) rejection thereof has now been overcome.

Claims 8, 15 and 19 have been amended in a manner similar to the amendments to claim 1. Accordingly, for similar reasons as stated with respect to overcoming the rejection of claim 1, claims 8, 15 and 19 are believed allowable and an early formal notice thereof is requested. The 35 U.S.C. §103(a) rejection thereof has now been overcome. Withdrawal of the rejection is respectfully requested.

### **Conclusion**

Except as indicated herein, the claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants furthermore reserve their right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or a continuation application. In addition, the Office Action contains a number of statements characterizing the claims, the Specification, and the prior art. Regardless of

**EXPEDITED PROCEDURE**

**PATENT**

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whether such statements are addressed by Applicant, Applicant refuses to subscribe to any of these statements, unless expressly indicated by Applicant.

It is clear from all of the foregoing that independent claims 1, 8, 15 and 19 are in condition for allowance.

The matters identified in the Office Action of April 9, 2010 are now believed resolved. Accordingly, the application is believed to be in proper condition for allowance. The amendments herein are fully supported by the original specification and drawings; therefore, no new matter is introduced. Withdrawal of the final action and issuance of an early formal notice of allowance of claims 1, 8, 15 and 19 is requested.

Respectfully submitted,

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